



United States Attorney's Office
District of Arizona



Pima County Attorney's Office

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Public Affairs
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United States Attorney Dennis K. Burke and Pima County Attorney Barbara LaWall Today Announce Their Agreement Regarding the Prosecution of Jared Lee Loughner for the January 8th Shooting in Tucson

Since the first moments of the investigation into the tragic events on January 8th, our offices have worked together, and with our federal, state and local law enforcement partners, to investigate these crimes and to assist the victims and their families throughout this process. Our offices have had a long-standing relationship built on the core value of seeking justice, supporting victims and our communities. This strong relationship continues as we work to see that justice is served in this case.

Currently, Jared Lee Loughner, 22, of Tucson, faces a three-count indictment in the Federal District Court for the District of Arizona which includes the charge of Attempted Assassination of a Member of Congress pursuant to Title 18 of the United States Code, Section 351(c), for the assault on Congresswoman Gabrielle Giffords. This statute requires the suspension of all state or local prosecutions while the Federal case is pending. Specifically, Section 351(f) provides:

If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

Pursuant to 18 U.S.C. § 351 (f), the United States Marshals Service will also retain physical custody of the defendant which will preclude a simultaneous prosecution of the defendant on any State charges until the termination of the Federal action and release of the defendant to State custody.

Accordingly, our offices have jointly agreed to a process that Loughner will first be prosecuted on federal charges by the United States Attorney's Office. As required by the statute, once those charges have been fully prosecuted through the Federal court system, Arizona state charges will be prosecuted by the Pima County Attorney's Office. These cases will be tried in sequence and will ensure that all rights of the victims and their families are vindicated.

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